

Case 13-03506-8-DMW Doc 188 Filed 01/08/16 Entered 01/08/16 09:08:21 Page 1 of 10

IN RE
 DOUGLAS S. BELL, SR.
 4100 SOUND DR.

MOREHEAD CITY, NC 28557
 SSN or Tax I.D. XXX-XX-2587

 NANCY C. BELL
 4100 SOUND DR.

MOREHEAD CITY, NC 28557
 SSN or Tax I.D. XXX-XX-8025

1303506-Trustee-A-Rich
 ERNEST C. RICHARDSON, IV
 PO BOX 1594
 ATTORNEY AT LAW
 NEW BERN, NC 28563

Richard M. Stearns
 1015 Conference Dr.
 Greenville, NC 27858

Chapter 13
 Case Number: 13-03506-8-DMW

NOTICE OF MOTION FOR CONFIRMATION OF PLAN

Richard M. Stearns, Chapter 13 Trustee has filed papers with the Court to Confirm the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion For Confirmation Of Plan, or if you want the court to consider your views on the motion, then on or before 02/08/2016, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

U.S. Bankruptcy Court
 PO Box 791
 Raleigh, NC 27602

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to debtor(s), debtor(s) attorney and trustee at the following addresses:

Debtor(s):	Attorney:	Trustee:
DOUGLAS S. BELL, SR.	ERNEST C. RICHARDSON, IV	Richard M. Stearns
4100 SOUND DR.	PO BOX 1594	1015 Conference Dr.
MOREHEAD CITY, NC 28557	ATTORNEY AT LAW	Greenville, NC 27858
-----	NEW BERN, NC 28563	

NANCY C. BELL
 4100 SOUND DR.
 MOREHEAD CITY, NC 28557

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the motion at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: January 07, 2016

Richard M. Stearns
 Chapter 13 Trustee
 1015 Conference Dr.
 Greenville, NC 27858

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
NEW BERN DIVISION**

IN RE:

CASE NUMBER: 13-03506-8-DMW

DOUGLAS S. BELL SR.

NANCY C. BELL

CHAPTER 13

DEBTOR(S)

**MINUTES OF 341 MEETING AND
MOTION FOR CONFIRMATION OF PLAN**

NOW COMES the Trustee in the above referenced Chapter 13 case moving the Court for an Order confirming the Plan in the case and, in support, of said Motion, says unto the Court:

1. That the debtor(s) appeared at the meeting of creditors, as required by 11 U.S.C. § 341 and submitted to an examination under oath by the Trustee on July 11, 2013, or has supplied answers to written interrogatories;

2. The debtor(s) has/have complied with all requirements of 11 U.S.C. §521 (a) (1) (B) and Interim Bankruptcy Rules 1007 and 4002 (b), as modified and adopted by this Court, and this case has not been dismissed, nor is it subject to dismissal, under 11 U.S.C. §521 (i);

3. That there are no pending objections to confirmation or other filings or pleadings that would impede the confirmation of the Plan in this case;

4. That the Trustee has reviewed the schedules and relative information in the debtor(s) petition and has made a determination of the disposable income for the debtor(s) in this case. The calculation of disposable income impacts on what, if any, dividend will be received by unsecured creditors. The debtor(s) plan provides for payments of:

\$1,854.00 PER MONTH FOR 26 MONTHS, \$4,484.00 PER MONTH FOR 3 MONTHS, THEN, \$4,950.00 PER MONTH FOR 31 MONTHS.

5. That the liens of creditors which will not be paid in full during the term of the Plan or which are to be paid directly by the debtor(s) are not affected by the confirmation of this Plan;

6. Generally, and subject to orders entered hereafter by the Court, any proof of claim that is not filed on or before October 9, 2013 ("Bar Date") shall be disallowed. Claims of governmental units, proofs of which are not filed before December 2, 2013 ("Government Bar Date") shall be disallowed;

7. That the claims of secured creditors shall be paid as secured to the extent of the claim or to the extent of the value of the collateral as set out below:

a. Claims to be paid directly by the Debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#009 CAR MART OF GREENVILLE	1999 GMC SUBURBAN	TO BE PAID DIRECT; ARREARS OVER THE TERM OF THE PLAN.
#017 WELLS FARGO HOME MORTGAGE	EQUITY LINE	TO BE PAID DIRECT; ARREARS OVER THE TERM OF THE PLAN.

b. Continuing Long Term Debts to be paid by the Trustee:

IF A PROOF OF CLAIM IS TIMELY FILED the claim is to be paid on a monthly basis according to the terms of the contract effective the first month after confirmation. Arrearages, if any, to be paid over the life of the plan.

Two post-petition contractual payments shall be included in the arrearage claim.

**The Debtor is to resume direct payments upon completion of plan payments.
(SEE PARAGRAPH 8 BELOW)**

<u>Creditor</u>	<u>Collateral</u>
#802 RUSHMORE LOAN MANAGEMENT SERVICES	MORTGAGE

c. Claims paid to extent of claims as filed (no cramdown):

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

d. Claims paid to extent of value:

<u>Creditor</u>	<u>Collateral</u>	<u>Present Value</u>	<u>Repayment Rate/Term</u>
#011 INTERNAL REVENUE SERVICE	07-08 &11-12	\$43,676.25 SECURED	TO BE PAID OVER THE TERM OF THE PLAN @ 5.25% INTEREST.
#014 NC DEPT. OF REVENUE	TAXES	\$12,859.41 SECURED	TO BE PAID OVER THE TERM OF THE PLAN @ 5.25% INTEREST.
#031 STATE EMPLOYEES CU	REAL ESTATE	\$23,291.18 <u>UNSECURED</u>	PER ORDER: 08-21-2013

e. Claims to be avoided by the debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

Pursuant to Local Rule 3070-1(b) some secured creditors may be entitled to pre-confirmation adequate protection payments.

8. **LONG TERM RESIDENTIAL MORTGAGE CLAIMS** shall be paid in a manner consistent with Local Rule 3070-2.
9. That the following creditors have filed secured proofs of claims but, due to the value placed on the collateral, the claims will be treated as unsecured and paid along with other unsecured claims. With respect to claims listed below for which the terms of repayment are listed as: "Abandon," upon entry of an Order confirming the plan, as modified by this Motion, the automatic stay of §362(a) and the automatic co-debtor stay of §1301 shall thereupon be lifted and modified with respect to such property "for cause" under §362(a)(1), as allowed by Local Rule 4001-1(b):

NONE

Reference herein to "Direct" or "Outside" or similar language regarding the payment of a claim under this plan means that the debtor(s) or a third party will make the post-petition payments in accordance with the contractual documents which govern the rights and responsibilities of the parties of the transaction, including any contractual modifications thereof, beginning with the first payment that comes due following the order for relief;

10. That the treatment of claims indicated in paragraphs 7, 8 and 9 above, are based on information known to the Trustee at the time of the filing of this Motion. The treatment of some claims may differ from that indicated if subsequent timely filed claims require different treatment;
11. That the following executory contracts and unexpired leases shall be either assumed or rejected as indicated below:

<u>Creditor</u>	<u>Property Leased or Contracted For</u>	<u>Treatment</u>
#036 ACME SELF STORAGE LEASE STORAGE		ASSUME; TO BE PAID DIRECT.

12. That priority claims shall be paid in full over the term of the Plan;
13. That confirmation of this Plan will be without prejudice to pending Motions For Relief From the Automatic Stay and will be without prejudice to objections to claims and avoidance actions;
14. That confirmation of the Plan vests all property of the estate in the debtor(s);

15. That the attorney for the debtor(s) is requesting fees in the amount of \$3,700.00. The Trustee recommends to the Court a fee of \$3,700.00. If the recommended fee is different from that requested an explanation can be found in Exhibit 'A'.
16. Other Provisions: NONE

RICHARD M. STEARNS

Standing Chapter 13 Trustee

EXHIBIT 'A'

DEBTORS: DOUGLAS & NANCY
BELL **CASE NUMBER:** 13-03506-8-DMW

EMPLOYMENT:

Debtor: COASTAL SALES GROSS INCOME: \$5,549.67
REPRESENTATIVES,
LLC

Spouse: CARTERET COUNTY \$1,424.47
SCHOOLS

Prior Bankruptcy cases: Yes No If so, Chapter filed 2011

Disposition:

Real Property: House and Lot Mobile home Lot/Land Mobile Home/Lot

Description: RESIDENCE @ 4100 SOUND DR.

FMV	\$301,291.20	Date Purchased
Liens	\$292,256.11	Purchase Price
Exemptions	\$9,035.09	Improvements
Equity	\$ 0.00	Insured For
Rent		Tax Value
		\$334,768.00

Description: LOT @ 411 CASTLE ST.

FMV	\$1,073.70	Date Purchased
Liens		Purchase Price
Exemption	\$1,073.70	Improvements
Equity	\$ 0.00	Insured For
Rent		Tax Value
		\$1,193.00

COMMENTS: THE ABOVE FMV CONSIDERS 10% REDUCTION FOR
HYPOTHETICAL LIQUIDATION EXPENSES.

Attorney Fees:	Requested:	\$3,700.00	(excluding filing fee)
	Paid:	\$1,850.00	(excluding filing fee)
	Balance:	\$1,850.00	

Trustee's Recommendation: \$3,700.00

Comments: THE ABOVE FEES ARE REQUESTD BY BENJAMIN R. EISNER.
ADDITIONAL FEES OF \$3,700 AWARDED TO ERNEST C. RICHARDSON,
IV BY ORDER OF 9-15-2015. ADDITIONAL FEES OF \$400.00 ALLOWED
BY ORDER OF 7-12-2013 TO BENJAMIN R. EISNER..

Plan Information:

Plan Information:	After 341	Payout % After 341			
Total Debts	\$240,837.72	Pay in	\$215,106.00	Priority	100.00%
Priority	\$4,570.22	Less 8.00%	\$17,208.48	Secured	100.00%
Secured	\$187,360.71	Subtotal	\$197,897.52	Unsecured	0.00%
Unsecured	\$48,906.79	Req. Atty. Fee	\$1,850.00	Joint	0.00%
Joint Debts	\$0.00	Available	\$196,047.52	Co-Debtors	0.00%
Co-Debtor	\$0.00				

<u>Objection to Confirmation:</u>	Annual Review:	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
	Payroll Deduction:	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	

Pending:

Resolved:

Motions Filed: Yes No

If so, indicate type and status:

Hearing Date:

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CASE: 1303506 TRUSTEE: 54 COURT: 278
 TASK: 01-06-2016.00803111.LSA000 DATED: 01/07/2016

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Court	Served Electronically	
Trustee	Richard M. Stearns	1015 Conference Dr. Greenville, NC 27858
Debtor	DOUGLAS S. BELL, SR.	4100 SOUND DR. MOREHEAD CITY, NC 28557
Joint	NANCY C. BELL	4100 SOUND DR. MOREHEAD CITY, NC 28557
799	000047 ERNEST C. RICHARDSON, IV ATTORNEY AT LAW	PO BOX 1594 NEW BERN, NC 28563
023	000023 CREDIT COLLECTIONS CHAPTER 13 BANKRUPTCY	231 E. MAIN ST, STE 2A MILFORD, MA 01757
011	000014 INTERNAL REVENUE SERVICE CENTRALIZED INSOLVENCY	P.O. BOX 7317 PHILADELPHIA, PA 19101-7317
011	000037 INTERNAL REVENUE SERVICE CENTRALIZED INSOLVENCY	P.O. BOX 7317 PHILADELPHIA, PA 19101-7317
011	000038 INTERNAL REVENUE SERVICE CENTRALIZED INSOLVENCY	P.O. BOX 7317 PHILADELPHIA, PA 19101-7317
IRS	000004 INTERNAL REVENUE SERVICE	PO BOX 7346 PHILADELPHIA, PA 19101-7346
026	000026 FIRST POINT COLLECTION 225 COMMERCE PLACE	PO BOX 26140 GREENSBORO, NC 27402-6140
041	000043 STATE OF NORTH CAROLINA PO BOX 629	OFFICE OF THE ATTORNEY GENERAL RALEIGH, NC 27602-0629
040	000042 NC DEPT. OF REVENUE ATTN: ANGELA FOUNTAIN	PO BOX 1168 RALEIGH, NC 27602-1168
NCREV	000005 NC DEPT. OF REVENUE ATTN: ANGELA FOUNTAIN	PO BOX 1168 RALEIGH, NC 27602-1168
031	000031 STATE EMPLOYEES CREDIT UNION	POST OFFICE BOX 25279 RALEIGH, NC 27609
038	000040 FRANKLIN DRAKE ATTORNEY AT LAW	PO BOX 26268 RALEIGH, NC 27611
ESC	000003 EMPLOYMENT SECURITY COMMISSION CHAPTER 13 BANKRUPTCY	PO BOX 26504 RALEIGH, NC 27611
044	000044 STATE EMPLOYEES CREDIT UNION PO BOX 25279	ATTENTION: BANK OFFICER RALEIGH, NC 27611
022	000022 BULL CITY FINANCIAL SOLUTIONS, INC. CHAPTER 13 BANKRUPTCY	1107 W. MAIN STREET, STE. 201 DURHAM, NC 27701
032	000032 SOUTHERN CREDIT ADJUSTERS CHAPTER 13 BANKRUPTCY	PO BOX 2764 ROCKY MOUNT, NC 27802
033	000033 SOUTHERN CREDIT ADJUSTERS CHAPTER 13 BANKRUPTCY	PO BOX 2764 ROCKY MOUNT, NC 27802
009	000009 CAR MART OF GREENVILLE CHAPTER 13 BANKRUPTCY	955 BROMPTON LANE GREENVILLE, NC 27834
037	000039 CAR MART OF GREENVILLE CHAPTER 13 BANKRUPTCY	955 BROMPTON LANE GREENVILLE, NC 27834
039	000041 SHAPIRO & INGLE, LLP CHAPTER 13 BANKRUPTCY	10130 PERIMETER PARKWAY, STE. 400 CHARLOTTE, NC 28216
010	000013 ALBERT TAYLOR HAYES ATTORNEY AT LAW	10130 PERIMETER PKWY., STE. 400 CHARLOTTE, NC 28216

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CASE: 1303506 TRUSTEE: 54 COURT: 278
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028	000028	NEW HANOVER REGIONAL MED CENTER CHAPTER 13 BANKRUPTCY	PO BOX 63028 CHARLOTTE, NC 28262-3028
024	000024	FINANCIAL DATA SYSTEMS CHAPTER 13 BANKRUPTCY	1638 MILITARY CUTOFF ROAD WILMINGTON, NC 28403-8463
025	000025	FINANCIAL DATA SYSTEMS CHAPTER 13 BANKRUPTCY	1638 MILITARY CUTOFF ROAD WILMINGTON, NC 28403-8463
020	000020	NEW HANOVER TAX COLLECTOR BANKRUPTCY DEPARTMENT	PO BOX 18000 WILMINGTON, NC 28406
015	000015	PRIDE ELECTRICAL CONTRACTING PO BOX 3627	C/O DERRICK TAYLOR MOREHEAD CITY, NC 28557
016	000016	STRICKLAND SURVEYING, PA CHAPTER 13 BANKRUPTCY	4105 PLANTATION ROAD MOREHEAD CITY, NC 28557
036	000036	ACME SELF STORAGE CHAPTER 13 BANKRUPTCY	PO BOX 1902 MOREHEAD CITY, NC 28557
006	000006	NANCY BELL CHAPTER 13 BANKRUPTCY	4100 SOUND DRIVE MOREHEAD CITY, NC 28557
007	000007	FDBA: COASTAL BEARINGS & CONVERYORS CHAPTER 13 BANKRUPTCY	4100 SOUND DRIVE MOREHEAD CITY, NC 28557
008	000008	COASTAL SALES REPRESENTATIVES, LLC CHAPTER 13 BANKRUPTCY	4100 SOUND DRIVE MOREHEAD CITY, NC 28557
OL1	000002	BENJAMIN R. EISNER ATTORNEY AT LAW	PO BOX 1548 NEW BERN, NC 28563
029	000029	ONLINE COLLECTION SERVICES 685 W. FIRETOWER ROAD	PO BOX 1489 WINTERVILLE, NC 28590
030	000030	ONLINE COLLECTION SERVICES 685 W. FIRETOWER ROAD	PO BOX 1489 WINTERVILLE, NC 28590
046	000046	ABSOLUTE RESOLUTIONS CORP. 25 SE 2ND AVE SUITE 1120	C/O RECOVERY MANAGMENT SYSTEMS CORP MIAMI, FL 33131-1605
034	000034	TEK COLLECT	PO BOX 26390 COLUMBUS, OH 43226
049	000049	WELLS FARGO *CM PO BOX 10335	JOHN G STUMPF, PRES & CEO DES MOINES, IA 50306
035	000035	WELLS FARGO 7255 BAYMEADOWS WAY	PO BOX 10335 DES MOINES, IA 50306
017	000017	WELLS FARGO HOME MORTGAGE MAC #X2302-04-C	ONE HOME CAMPUS DES MOINES, IA 50328
019	000019	WELLS FARGO HOME MORTGAGE MAC #X2302-04-C	ONE HOME CAMPUS DES MOINES, IA 50328
045	000045	WELLS FARGO HOME MORTGAGE *CM ONE HOME CAMPUS	ATTENTION: BANK OFFICER DES MOINES, IA 50328-1001
048	000048	WELLS FARGO HOME MORTGAGE *CM ONE HOME CAMPUS	ATTENTION: BANK OFFICER DES MOINES, IA 50328-1001
027	000027	NATIONAL AUTO FINANCE CO	POB 380901 MINNEAPOLIS, MN 55438
021	000021	CENTURYLINK BANKRUPTCY	359 B ERT KOUNS INDUSTRIAL LOOP SHREVEPORT, LA 71106
802	000010	RUSHMORE LOAN MANAGEMENT SERVICES	PO BOX 55004 IRVINE, CA 92619-2708
800	000011	RUSHMORE LOAN MANAGEMENT SERVICES	PO BOX 55004 IRVINE, CA 92619-2708

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CASE: 1303506 TRUSTEE: 54
TASK: 01-06-2016.00803111.LSA000

COURT: 278
DATED: 01/07/2016

801 000012 RUSHMORE LOAN MANAGEMENT SERVICES

PO BOX 55004
IRVINE, CA 92619-2708

51 NOTICES

THE ABOVE REFERENCED NOTICE WAS MAILED TO EACH OF THE ABOVE ON 01/07/2016.
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON 01/07/2016 BY /S/EPIQ Systems, Inc.

*CM - Indicates notice served via Certified Mail